

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE ASSOCIATES, *et al*;

Defendants.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE REALTY, *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04362 (SMB)

Adv. Pro. No. 10-04400 (SMB)

**[PROPOSED] ORDER GRANTING TRUSTEE'S MOTION
IN LIMINE NUMBER 2 TO EXCLUDE DEPOSITION
TESTIMONY OF BERNARD L. MADOFF**

Upon consideration of the Trustee's Motion *in Limine* Number 2 to Exclude the Deposition Testimony of Bernard L. Madoff (the "Motion") dated October 14, 2020, ECF No. ___, filed by Irving H. Picard, as trustee ("Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 7aaa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff ("Madoff"), the Declaration of Seanna R. Brown in Support of the Motion dated October 14, 2020, ECF No. ___; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on ___ (the "Hearing"); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the record in this case; and for the reason set forth in the transcript of the Hearing on the Motion,

IT IS HEREBY:

ORDERED, that the relief requested in the Motion is granted to the extent set forth herein; and it is further

ORDERED, that the testimony of Bernard L. Madoff, as presented in the Declaration of Seanna R. Brown in Support of the Motion as Exhibits 3 through 8, is hereby excluded in the above-referenced adversary proceedings; and it is further

ORDERED, that the Court retains jurisdiction to enforce and implement the terms and provisions of this order.

Dated: _____, 2020
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE